

ORDINANCE No. 118050

COUNCIL BILL No. 11151

INDEXED

The City of Seattle--Legisla

REPORT OF COMMITTEE

Honorable President:

Your Committee on Business, Economic & Community Development

to which was referred the within Council Bill No. CB 11151
report that we have considered the same and respectfully recommend

Do Pass, by vote of 3-0 on

Full Council vote 5

Jan Drago

Committee Chair

COMPTROLLER FILE No.

Introduced: <u>MAR - 4 1996</u>	By: <u>DRAGO</u>
Referred: <u>MAR - 4 1996</u>	To: <u>Business, Economic & Community Development Committee</u>
Referred:	To:
Referred:	To:
Reported: <u>MAR 11 1996</u>	Second Reading: <u>MAR 11 1996</u>
Third Reading: <u>MAR 11 1996</u>	Signed: <u>MAR 11 1996</u>
Presented to Mayor: <u>MAR 12 1996</u>	Approved: <u>MAR 14 1996</u>
Returned to City Clerk:	Published: <u>Full</u>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:



INDEXED

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

Honorable President:

Your Committee on Business, Economic and Community Development

to which was referred the within Council Bill No. CB 111157
report that we have considered the same and respectfully recommend that the same:

Do Pass, by vote of 3-0 on 3/5/96

Full Committee vote 5-0

Leo P. Pardo

Committee Chair

ORDINANCE 118050

AN ORDINANCE relating to land use and zoning, amending Plat 35E, page 101 of the Official Land Use Map to rezone the property located at 1100 Denny Way from Neighborhood Commercial 3 with a 125-foot height limit (NC3/125'), to Commercial 2 with a 125-foot height limit (C2/125') and accepting a Property Use and Development Agreement in connection therewith. (Petition of The Seattle Times Company, C.F. 300224, Appl. 9402336)

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Plat 35E, page 101 of the Official Land Use Map adopted by Ordinance 117917 is amended to rezone from Neighborhood Commercial 3 with a 125-foot height limit (NC3/125'), to Commercial 2 with a 125-foot height limit (C2/125') the following described property:

PARCEL A: LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9 AND 10 IN BLOCK 99 OF GANGLOFF'S ADDITION TO THE CITY OF SEATTLE, AS PER PLAT RECORDED IN VOLUME 3 OF PLATS, PAGE 50, RECORDS OF KING COUNTY; TOGETHER WITH THE EAST 1/2 OF VACATED ALLEY ADJOINING SAID LOTS 1 AND 2; AND TOGETHER WITH THAT PORTION OF THE VACATED ALLEY LYING BETWEEN SAID LOTS 3, 4, 6, 7, 9 AND 10; EXCEPT THAT PORTION OF SAID LOTS 8, 9 AND 10 CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NO. 162246 FOR TERRY AVENUE NORTH; SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON.

PARCEL B: LOTS 1, 2, 4, 5, 7 AND 8 IN BLOCK 111 OF GANGLOFF'S ADDITION TO THE CITY OF SEATTLE, AS PER PLAT RECORDED IN VOLUME 3 OF PLATS, PAGE 50, RECORDS OF KING COUNTY; EXCEPT THAT PORTION OF SAID LOTS 7 AND 8 CONVEYED TO THE CITY OF SEATTLE FOR DENNY WAY BY DEED RECORDED UNDER RECORDING NO. 8906150319; SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON.

PARCEL C: LOTS 3 AND 6 IN BLOCK 111 OF MAP OF GANGLOFF'S ADDITION TO THE CITY OF SEATTLE, AS PER PLAT RECORDED IN VOLUME 3 OF PLATS, PAGE 50, RECORDS OF KING COUNTY, WASHINGTON; TOGETHER WITH THAT PORTION OF THE DONATION CLAIM OF D.T. DENNY AND LOUISA DENNY, HIS WIFE, AND GOVERNMENT LOT 7 IN THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 25 NORTH, RANGE 4 EAST W.M., LYING WESTERLY OF FAIRVIEW AVENUE NORTH, AS CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NO. 204496, AS PROVIDED BY ORDINANCE NO. 51975, DESCRIBED AS FOLLOWS: THAT PORTION LYING SOUTHERLY OF JOHN STREET, NORTHERLY OF DENNY WAY, AS CONVEYED BY DEED RECORDED UNDER RECORDING NO. 8608280677, AND EASTERLY OF SAID BLOCK 111 OF MAP OF GANGLOFF'S ADDITION TO THE CITY OF SEATTLE; SITUATE IN THE CITY OF SEATTLE, KING COUNTY, WASHINGTON.

as shown in "Exhibit A", attached to this Ordinance.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

1 Section 2. That the Property Use and Development Agreement (PUDA), which was
2 submitted to the City by The Seattle Times Company, owner of the property described in
3 Section 1 above, by which said owner agrees to certain restrictions upon the property to
4 ameliorate the adverse impacts of uses and developments otherwise permitted in the
5 Commercial 2 (C2/125') zone upon property in the vicinity is hereby accepted and attached to
6 this Ordinance as "Exhibit B."

8 Section 3. That any standards for curb cuts, bulk, off-street parking or loading
9 requirements are hereby modified or waived to the extent provided in the plans included as
10 Attachment 3 to Exhibit 5 in C.F. 300224. A copy of Attachment 3 to Exhibit 5 is attached to
11 this Ordinance as "Exhibit C."

13 Section 4. That the City Clerk is hereby authorized and directed to file a copy of said
14 Property Use and Development Agreement and of this Ordinance at the King County Records
15 and Elections Division, to file the original of the Property Use and Development Agreement
16 with this Ordinance at the City Clerk's Office, and to deliver copies of the same to the
17 Directors of the Department of Construction and Land Use, the Department of Neighborhoods,
18 the Office of the Hearing Examiner, and to the King County Assessor's Office.

20 Section 5. This ordinance shall take effect and be in force thirty (30) days from and after
21 its passage and approval by the Mayor, but if not approved and returned by the Mayor within
22 ten (10) days after presentation, it shall take effect as provided by Municipal Code Section
23 1.04.020.

24 Passed by the City Council the 11 day of March, 1996, and signed by me in open
25 session in authentication of its passage this 11 day of March, 1996

27 Juan Diego
President of the City Council

28 Approved this 14 day of March, 1996

30 Mumukshu B. Puri
Mayor

31 Filed this 15 day of March, 1996

33 Margaret Carter
City Clerk

(SEAL)

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DCLU PROJECT NO. 9402336

City of Seattle, DCLU, GIS Group

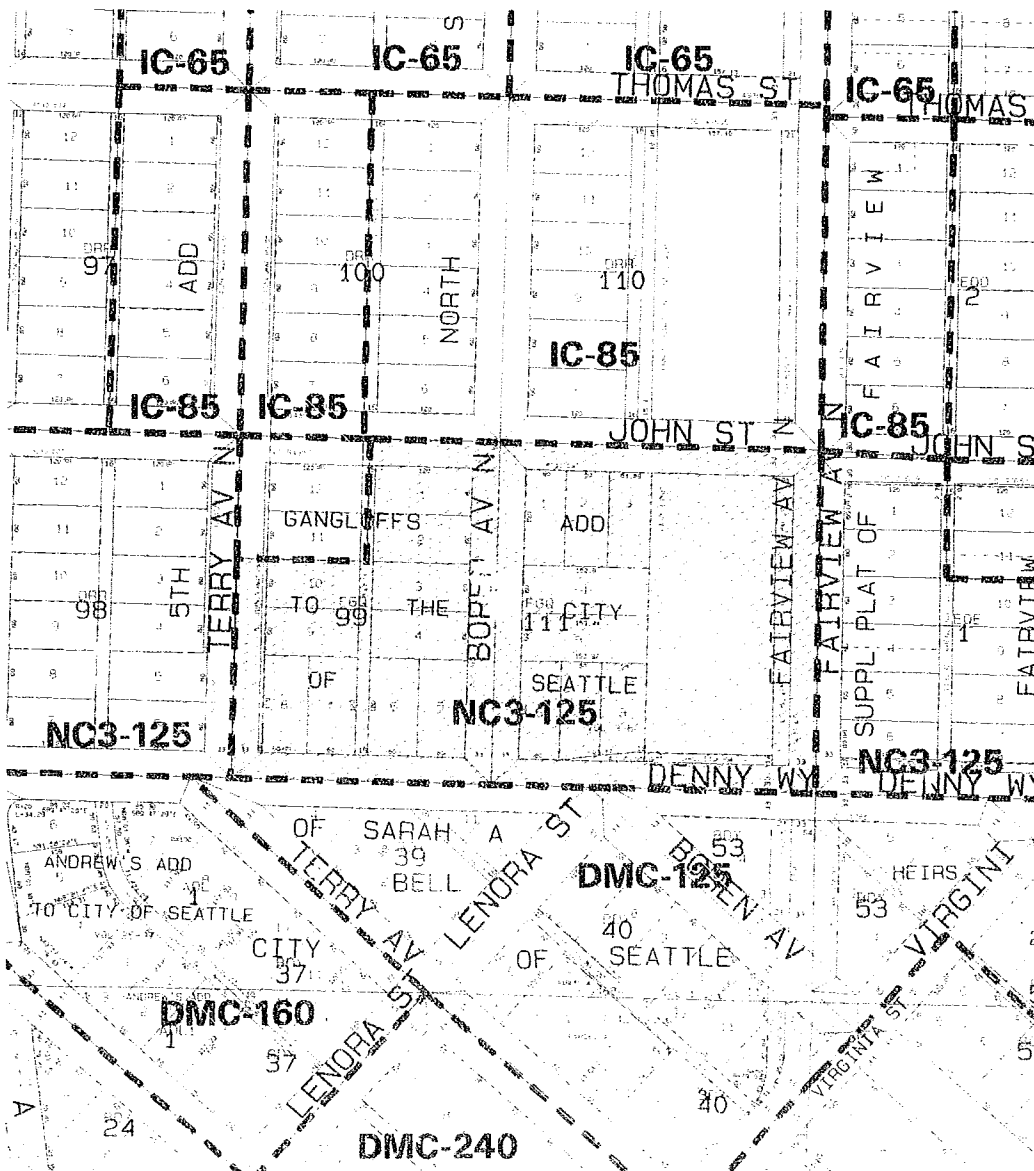


EXHIBIT A

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

PROPERTY USE AND DEVELOPMENT AGREEMENT

THIS INSTRUMENT is executed this date in favor of the City of Seattle, a Municipal Corporation (herein called "City"), by Seattle Times Company, a Delaware corporation (herein called "Owner"), owner of the within described property.

W I T N E S S E T H:

WHEREAS, Owner owns a fee simple interest in the following described property (herein called the "Property"):

PARCEL A: LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9 AND 10 IN BLOCK 99 OF GANGLOFF'S ADDITION TO THE CITY OF SEATTLE, AS PER PLAT RECORDED IN VOLUME 3 OF PLATS, PAGE 50, RECORDS OF KING COUNTY; TOGETHER WITH THE EAST 1/2 OF VACATED ALLEY ADJOINING SAID LOTS 1 AND 2; AND TOGETHER WITH THAT PORTION OF THE VACATED ALLEY LYING BETWEEN SAID LOTS 3, 4, 6, 7, 9 AND 10; EXCEPT THAT PORTION OF SAID LOTS 8, 9 AND 10 CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NO. 162246 FOR TERRY AVENUE NORTH; SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON.

PARCEL B: LOTS 1, 2, 4, 5, 7 AND 8 IN BLOCK 111 OF GANGLOFF'S ADDITION TO THE CITY OF SEATTLE, AS PER PLAT RECORDED IN VOLUME 3 OF PLATS, PAGE 50, RECORDS OF KING COUNTY; EXCEPT THAT PORTION OF SAID LOTS 7 AND 8 CONVEYED TO THE CITY OF SEATTLE FOR DENNY WAY BY DEED RECORDED UNDER RECORDING NO. 8906150319; SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON.

PARCEL C: LOTS 3 AND 6 IN BLOCK 111 OF MAP OF GANGLOFF'S ADDITION TO THE CITY OF SEATTLE, AS PER PLAT RECORDED IN VOLUME 3 OF PLATS, PAGE 50, RECORDS OF KING COUNTY, WASHINGTON; TOGETHER WITH THAT PORTION OF THE DONATION CLAIM OF D.T. DENNY AND LOUISA DENNY, HIS WIFE, AND GOVERNMENT LOT 7 IN THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 25 NORTH, RANGE 4 EAST W.M., LYING WESTERLY OF FAIRVIEW AVENUE NORTH, AS CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NO. 204496, AS PROVIDED BY ORDINANCE NO. 51975, DESCRIBED

AS FOLLOWS: THAT PORTION LYING SOUTHERLY OF JOHN STREET,
NORTHERLY OF DENNY WAY, AS CONVEYED BY DEED RECORDED
UNDER RECORDING NO. 8608280677, AND EASTERLY OF SAID BLOCK 111
OF MAP OF GANGLOFF'S ADDITION TO THE CITY OF SEATTLE; SITUATE
IN THE CITY OF SEATTLE, KING COUNTY, WASHINGTON.

WHEREAS, Owner filed a petition (C.F. 300224, Appl. 9402336) with the City
seeking a contract rezone to rezone the Property from Neighborhood Commercial 3 with a
125-foot height limit (NC3/125') to Commercial 2 with a 125-foot height limit (C2/125')
pursuant to the provisions of the Land Use Code and subject to limitations on the
development of the Property; and

WHEREAS, the Property rezone is part of a larger set of City approvals requested by
Owner to undertake an integrated and major upgrade and expansion of its printing and
office facility and to build an accessory parking garage (collective "Times Project"). These
include certain street vacations (Res. 29225; C.F. 300309), a skybridge approval (Res.
29250; C.F. 300227), certificates of approval for landmark structures, and Master Use
Permits (i.e., MUP Nos. 9402336, 9404082, and 9404083).

WHEREAS, the City encourages the public benefits from major private development
and continued employment in the City, and recognizes development requires a reasonable
period of time. The City has determined that a ten year period is appropriate for the PUDA
given the size and complexity of the Times Project.

WHEREAS, on September 28, 1995, the Director of the Department of Construction
and Land Use ("DCLU") recommended that the contract rezone to C2/125' as proposed by
Owner, with no further conditions; and

WHEREAS, on November 27, 1995, the Hearing Examiner recommended that the proposed contract rezone be granted as proposed by Owner and as modified by the Hearing Examiner; and

WHEREAS, on January 23, 1996, the Business, Economic and Community Development Committee of the City Council voted to recommend to the full City Council that the proposed contract rezone be granted, subject to the conditions recommended by the Hearing Examiner and further modified by the Council by directing a ten year period for the PUDA, except the Hearing Examiner's third recommended PUDA condition regarding street vacation shall be considered as part of the street vacation ordinance; and

WHEREAS, Owner now desires that the rezone petition be granted as recommended by the Council's Business, Economic and Community Development Committee.

NOW, THEREFORE, Owner hereby covenants, bargains and agrees on behalf of itself and its successors and assigns that it will comply with the following conditions in consideration of the rezone of the Property from Neighborhood Commercial 3 with a 125-foot height limit (NC3/125') to Commercial 2 with a 125-foot height limit (C2/125'):

Section 1. Development of the Property shall be accomplished in accordance with the following conditions on permitted uses. Only those uses and categories of uses permitted in the NC3 zone shall be permitted on the Property; provided that the 10,000 square foot size limitation on printing plants shall not apply. Establishment of such uses of the Property shall be governed by the applicable provisions of the Seattle Municipal Code, including SMC Chapter 23.47 (development standards for commercial zones), as further limited by this

Property Use and Development Agreement (hereinafter "Agreement").

Section 2. This Agreement shall be recorded in the records of King County by the City Clerk. The covenants hereof shall be deemed to attach to and run with the Property and shall be binding upon the Owner, its heirs, successors and assigns, and shall apply to after-acquired title of the Owner of the Property; provided that the covenants herein and the rezone shall expire and be of no force and effect ten years from the effective date of the approval of this rezone if Owner fails to satisfy the requirement of Section 23.76.060.B.1.a of the Seattle Municipal Code.

Section 3. This Agreement may be amended or modified by agreement between Owner and the City; provided, such amendment agreement shall be approved by the legislative authority of the City by ordinance. Nothing in this Agreement shall prevent the City Council from making such further amendments to the Zoning Ordinance or Land Use Code as it may deem necessary in the public interest. Nothing in this Agreement is intended to authorize any use or dimension not otherwise permitted in a Commercial 2 zone with a 125-foot height limitation (C2-125'). The conditions contained in this Agreement are based on the unique circumstances applicable to this Property and this Agreement is not intended to establish precedent for other rezones in the surrounding area.

Section 4. This Agreement is made for the benefit of the City and for the benefit of the owners of property within 300 feet of the Property and either the City or any such property owners may institute and prosecute any proceeding at law or in equity to enforce this Agreement.

Section 5. Owner acknowledges that compliance with the conditions of this Agreement is a condition of the subject rezone and that if Owner avails itself of the benefits of this rezone but then fails to comply with the conditions of this Agreement with the City, in addition to pursuing any other remedy, the City may revoke the rezone by ordinance and require the use of the Property to conform to the requirements of the Neighborhood Commercial 3 (NC3/125') zone.

SIGNED this 5th day of March, 1996.

SEATTLE TIMES COMPANY

By H. Mason Sizemore
H. Mason Sizemore
Its President

STATE OF WASHINGTON)
COUNTY OF KING)

I certify that I know or have satisfactory evidence that H. Mason Sizemore is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the president of the Seattle Times Company to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: March 5, 1996.

Notary's Signature:

Donna R. East

Typed/Printed Name of Notary:

Donna R. East

NOTARY PUBLIC in and for the

State of Washington,

residing at See H/18

My appointment expires 2/28/97

PROPERTY USE AND
DEVELOPMENT AGREEMENT
PAGE 5

EXHIBIT B, p.5

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9604050875

9604050875

STATE OF WASHINGTON
COUNTY OF KING
CITY OF SEATTLE

SS

I, JUDITH E. PIPPIN, CITY CLERK OF THE CITY OF SEATTLE, DO HEREBY
CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE AND CORRECT
COPY OF *the Property Use and Development Agreement*
AS THE SAME APPEARS ON FILE, AND OF RECORD IN THIS DEPARTMENT.

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND AFFIXED
THE SEAL TO THE CITY OF SEATTLE, THIS *26th* day of March, 1996

JUDITH E. PIPPIN
CITY CLERK

BY: *Margaret Carter*
DEPUTY CLERK

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ORDINANCE 118050

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Section 3. That any standards for curb cuts, bulk, off-street parking or loading requirements are hereby modified or waived to the extent provided in the plans included as Attachment 3 to Exhibit 5 in C.F. 300224. A copy of Attachment 3 to Exhibit 5 is attached to this Ordinance as "Exhibit C."

Section 4. That the City Clerk is hereby authorized and directed to file a copy of said Property Use and Development Agreement and of this Ordinance at the King County Records and Elections Division, to file the original of the Property Use and Development Agreement with this Ordinance at the City Clerk's Office, and to deliver copies of the same to the Directors of the Department of Construction and Land Use, the Department of Neighborhoods, the Office of the Hearing Examiner, and to the King County Assessor's Office.

Section 5. This ordinance shall take effect and be in force thirty (30) days from and after its passage and approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 11 day of March, 1996, and signed by me in open session in authentication of its passage this 11 day of March, 1996

Jan Deigo
President of the City Council

Approved this 14 day of March, 1996

Maurice B. Lee
Mayor

Filed this 15 day of March, 1996

Margaret Carter
City Clerk

(SEAL)

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9604050875

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STATE OF WASHINGTON
COUNTY OF KING
CITY OF SEATTLE

} SS

I, JUDITH E. PIPPIN, CITY CLERK OF THE CITY OF SEATTLE, DO HEREBY
CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE AND CORRECT
COPY OF *ordinance 118050*

AS THE SAME APPEARS ON FILE, AND OF RECORD IN THIS DEPARTMENT.

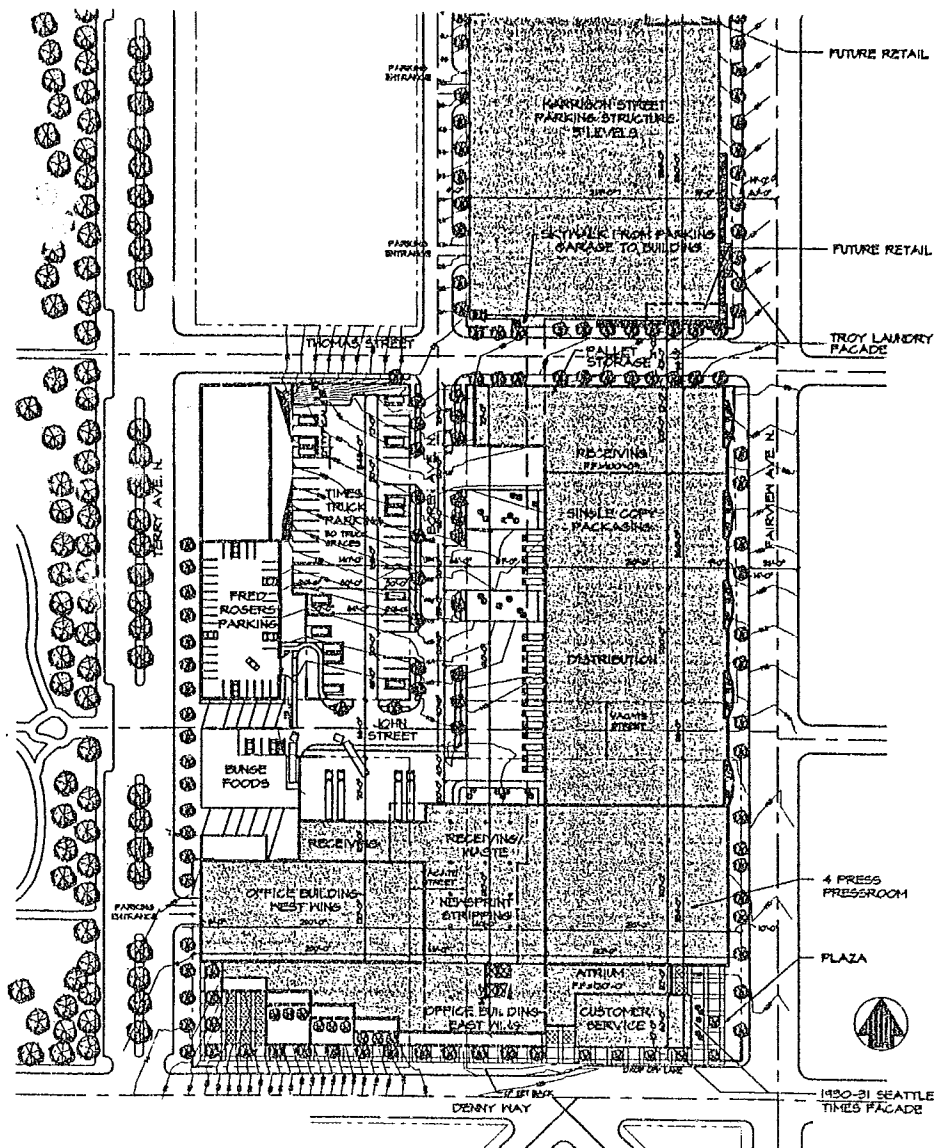
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED
THE SEAL TO THE CITY OF SEATTLE, THIS *26th day of March, 1996*

JUDITH E. PIPPIN
CITY CLERK

BY:

Margaret Carter

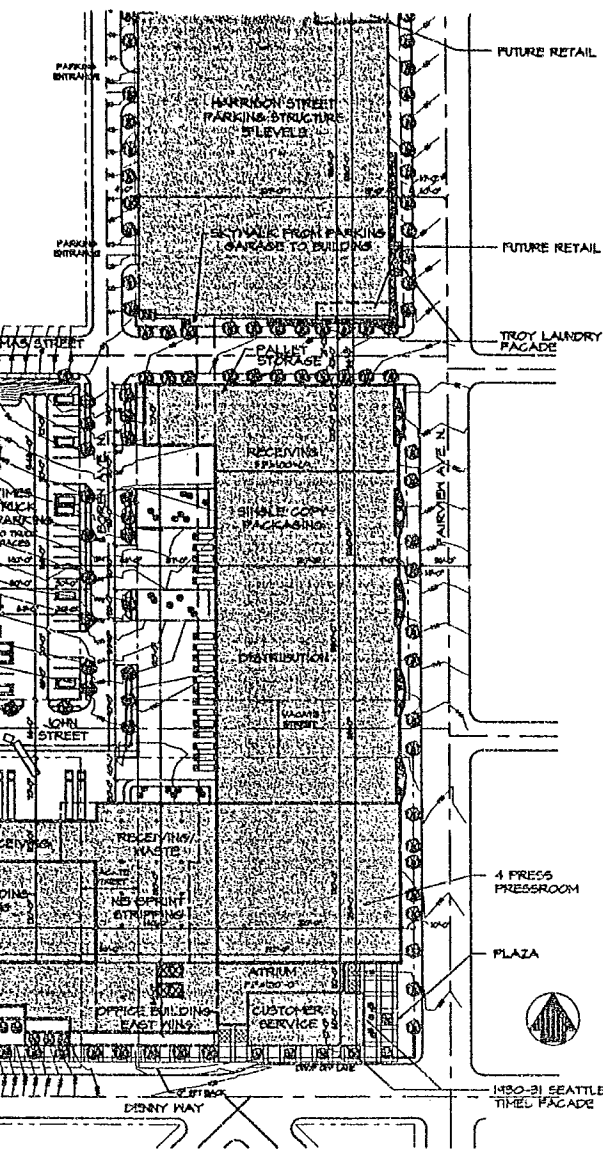
DEPUTY CLERK



- CUSTOMER SERVICE - ATRIUM**
2 STORY OFFICE BUILDING - 10,000 SQUARE FEET
2 STORY ATRIUM - 10,000 SQUARE FEET
20,000 SQUARE FEET
- OFFICE BUILDING - EAST WING**
2 STORY OFFICE BUILDING
MECHANICAL FLOOR
10,000 SQUARE FEET
- OFFICE BUILDING - WEST WING**
4 LEVELS OF PARKING - 10,000 SQUARE FEET
100 CAR CAPACITY
2 STORY OFFICE BUILDING (ABOVE PARKING) - 20,000
MECHANICAL FLOOR
10,000 SQUARE FEET TOTAL
40,000 SQUARE FEET TOTAL
- PRODUCTION FACILITY**
2 STORY PRESS ROOM
MECHANICAL LEVEL ABOVE PRESSROOM
1 STORY PACKAGING CENTER
PALLET STORAGE
27,000 SQUARE FEET TOTAL
- HARRISON STREET PARKING STRUCTURE**
5 STORY PARKING STRUCTURE
800 CAR CAPACITY
40,000 SQUARE FEET
- SKYWALK**
1,000 SQUARE FEET



SITE PLAN
1"=60'-0"



CUSTOMER SERVICE - ATRIUM

2 STORY OFFICE BUILDING - 10,000 SQUARE FEET
 2 STORY ATRIUM - 8,000 SQUARE FEET
 34,000 SQUARE FEET

OFFICE BUILDING-EAST WING

4 STORY OFFICE BUILDING
 MECHANICAL STRUCTURE
 22,000 SQUARE FEET

OFFICE BUILDING-WEST WING

4 LEVELS OF PARKING - 8,000 SQUARE FEET
 4TH CAR CAPACITY
 8 STORY OFFICE BUILDING (ABOVE PARKING) - 22,000 SQUARE FEET
 MECHANICAL STRUCTURE
 80,000 SQUARE FEET TOTAL

PRODUCTION FACILITY

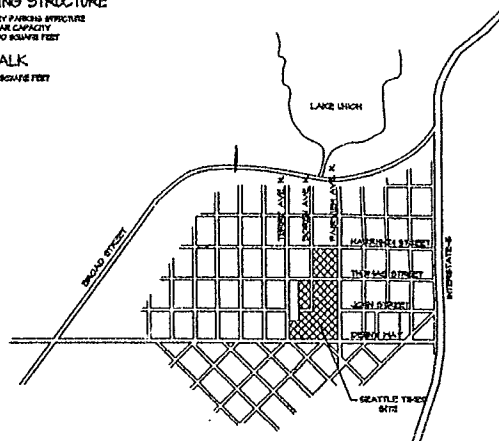
3 STORY PRESS ROOM
 MECHANICAL LEVEL ABOVE PRESSROOM
 1 STORY PACKAGING CENTER
 PALLET STORAGE
 27,000 SQUARE FEET TOTAL

HARRISON STREET PARKING STRUCTURE

8 STORY PARKING STRUCTURE
 1800 CAR CAPACITY
 40,000 SQUARE FEET

SKYNALK

1,000 SQUARE FEET



VICINITY MAP
 1"=400'-0"

SITE PLAN

1"=80'-0"

SEATTLE TIMES SITE PLAN

2017-2018 50, 114
 REVISED 2017-2018 08, 114
 REVISED OCTOBER 17, 1998
 1"=20'-0"

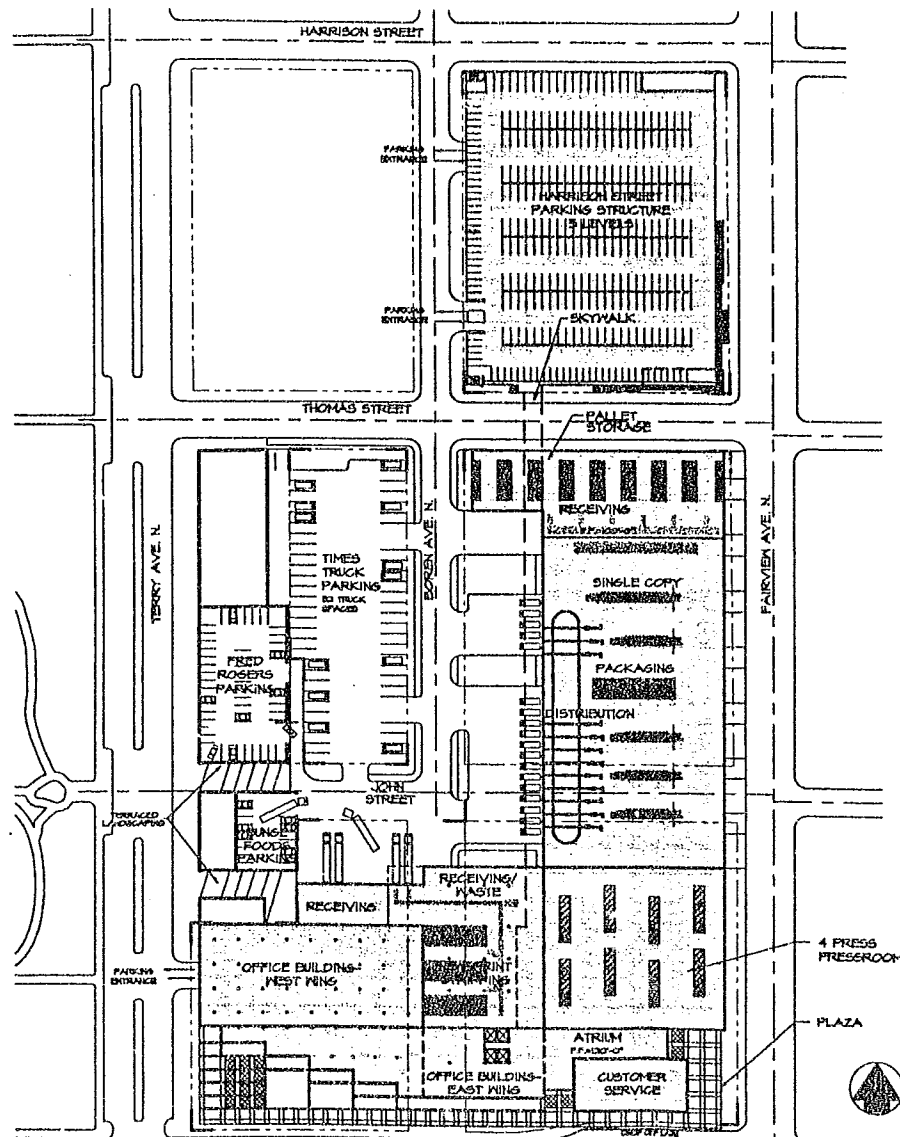
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2 of 15



BLEIVINS
 HARDING
 GROUP

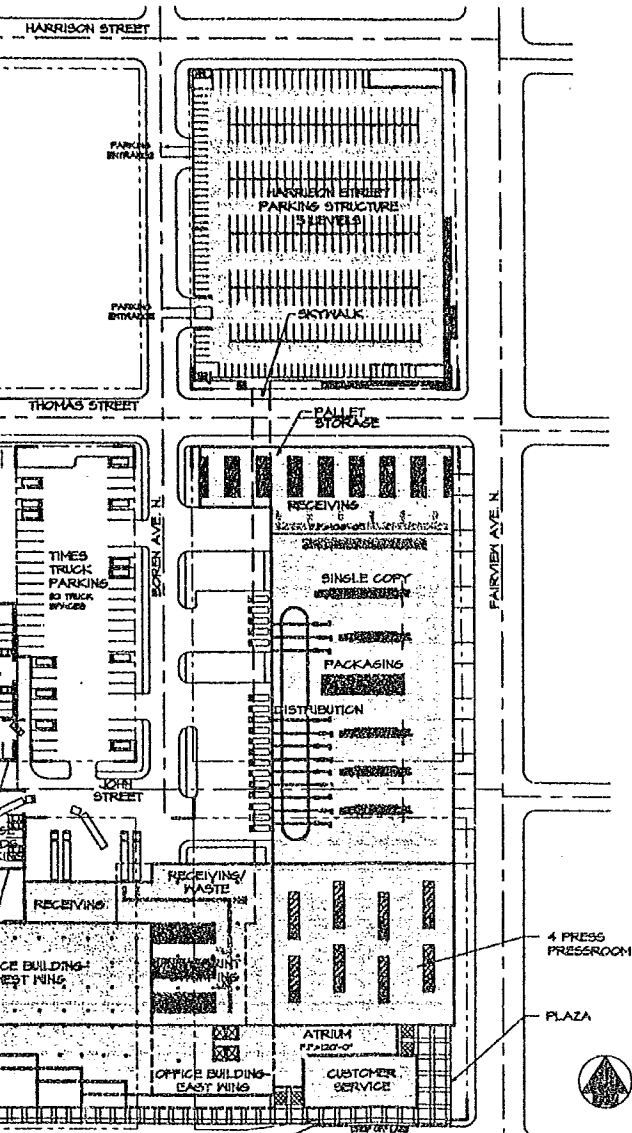
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- MANUFACTURING**
- MATERIALS
 - STATIONARY
 - HIGH SPEED
 - HIGH SPEED

SITE/FLOOR PLAN

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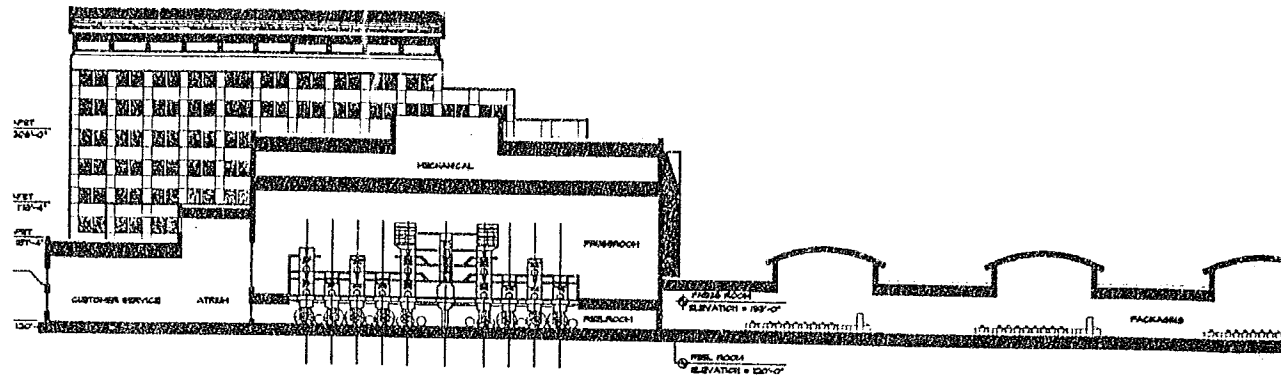
MANUFACTURING PROCESS LEGEND

- MATERIALS HANDLING EQUIPMENT
- STATIONARY STORAGE SYSTEMS
- HIGH SPEED ROTARY PRESSES
- HIGH SPEED PACKAGING EQUIPMENT

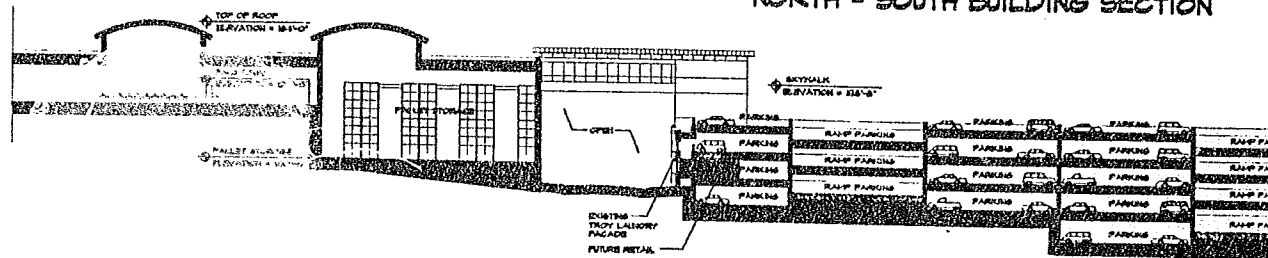
SITE/FLOOR PLAN

SEATTLE TIMES
FUNCTIONAL USE PLAN

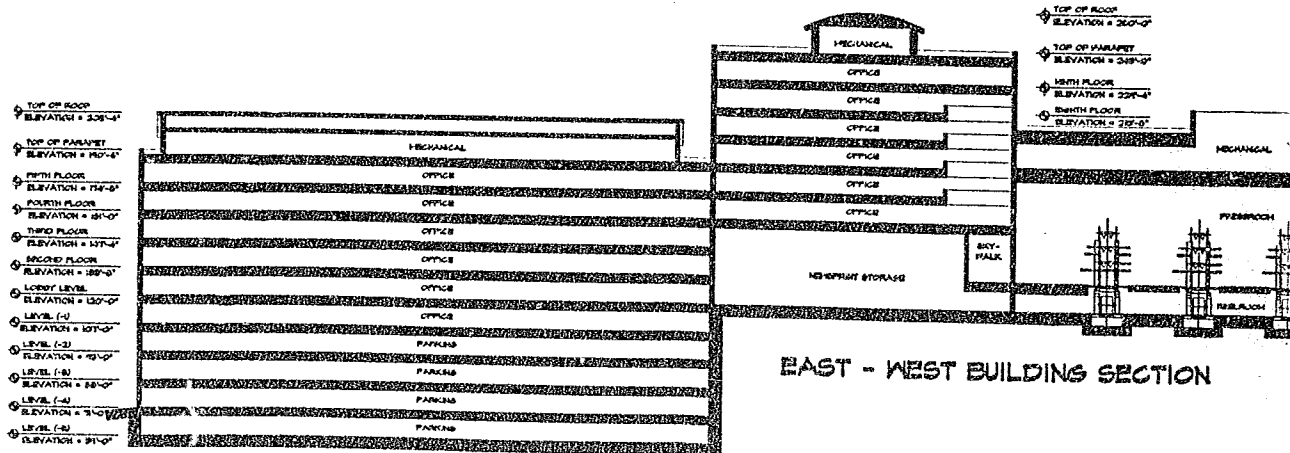




NORTH - SOUTH BUILDING SECTION



NORTH - SOUTH BUILDING SECTION



EAST - WEST BUILDING SECTION

MECHANICAL

FRESH ROOM

FRESH ROOM ELEVATION = 18'-0"

MEAT ROOM ELEVATION = 12'-0"

TOP OF ROOF ELEVATION = 16'-4"

PACKAGES ELEVATION = 10'-0"

PALLET STORAGE ELEVATION = 10'-0"

PALLET STORAGE

NORTH - SOUTH BUILDING SECTION

[illegible][illegible]

EAST - WEST BUILDING SECTION

SEPTEMBER 20, 1944
 REVISED SEPTEMBER 28, 1944
 15-704-01



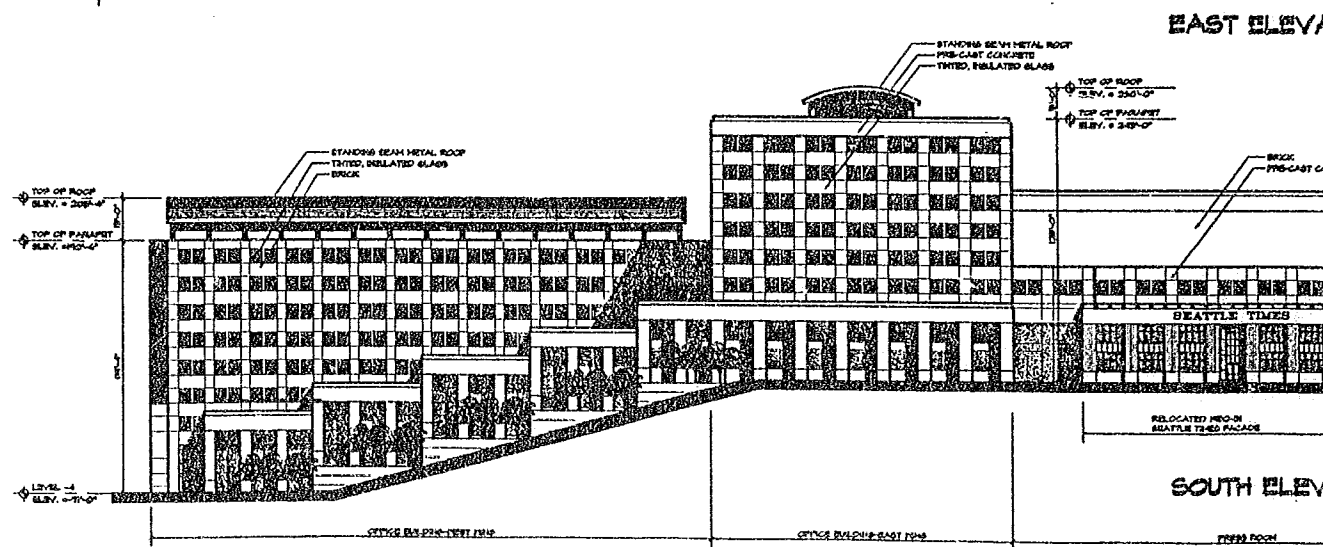
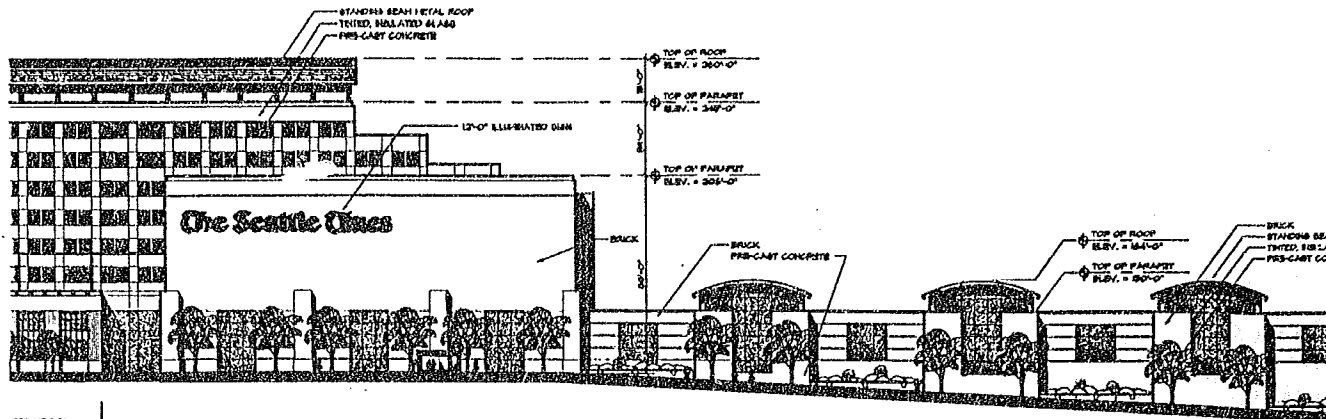
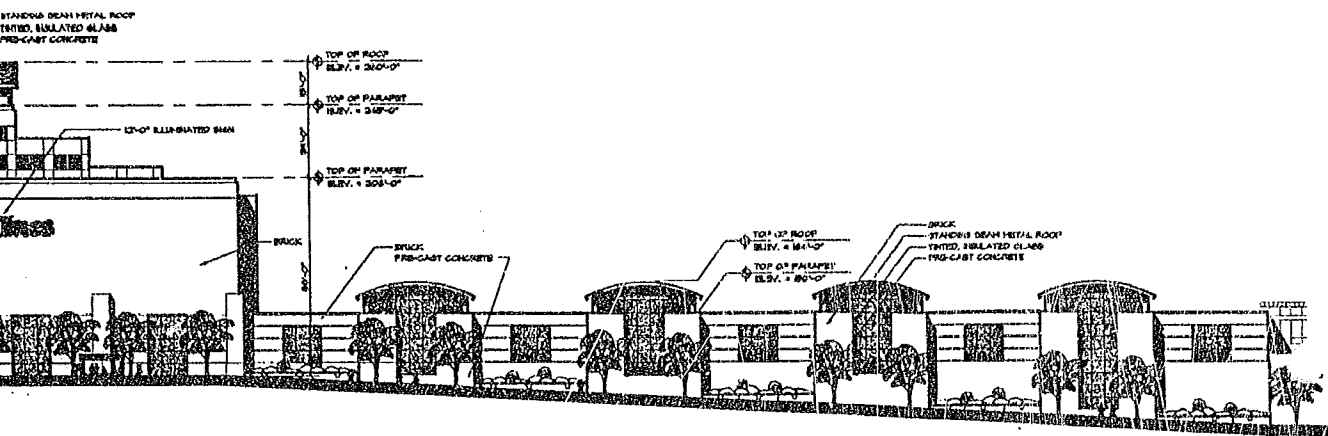
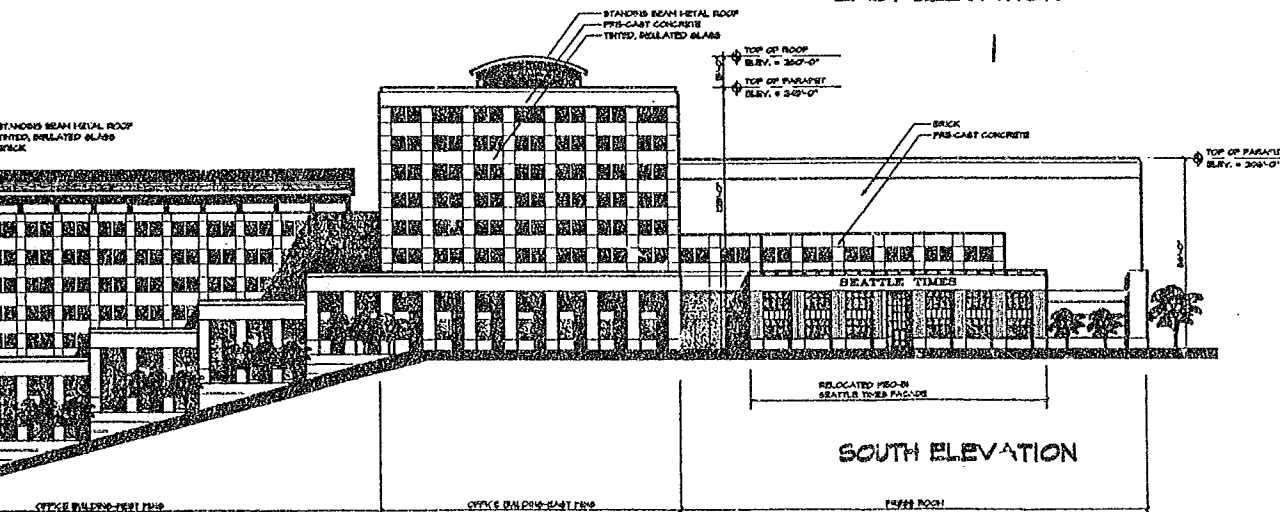


EXHIBIT C, p. 4

SE



EAST ELEVATION



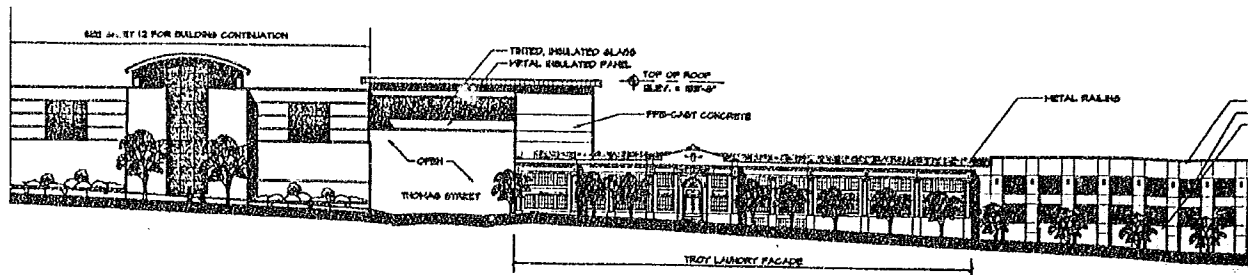
SOUTH ELEVATION

SEATTLE TIMES
ELEVATIONS

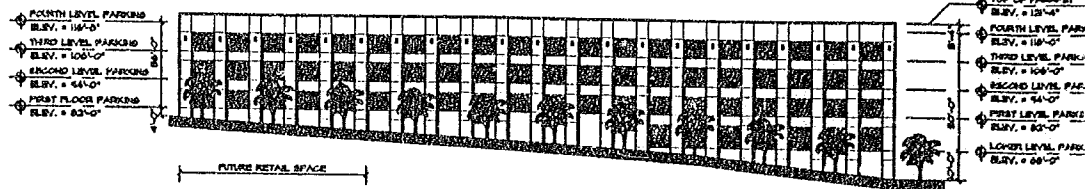
SEPTEMBER 30, 1959
REVISED SEPTEMBER 30, 1959
1" = 20'-0"



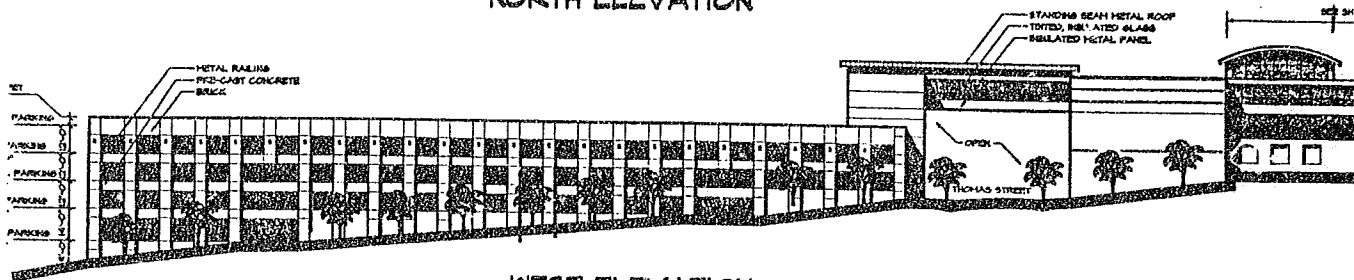
NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.



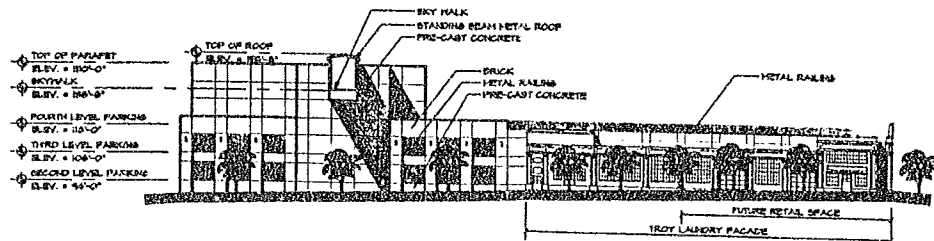
EAST ELEVATION



NORTH ELEVATION

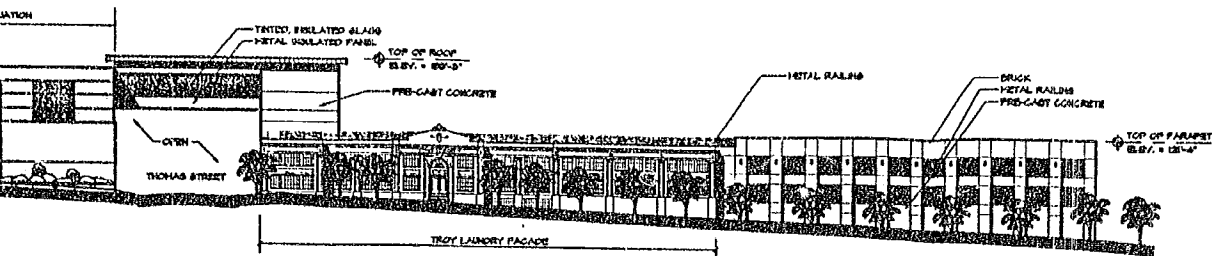


WEST ELEVATION

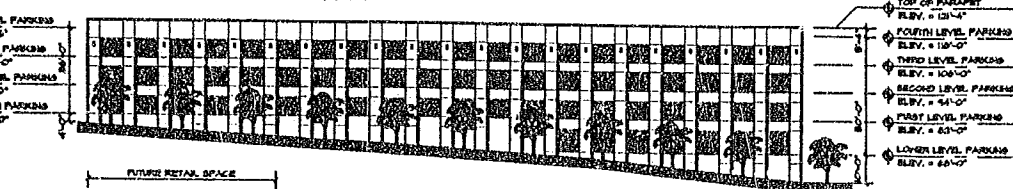


SOUTH ELEVATION

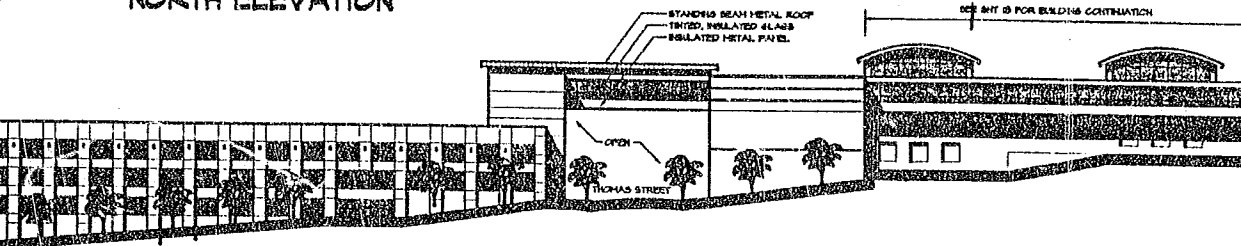
HARRISON STREET PA



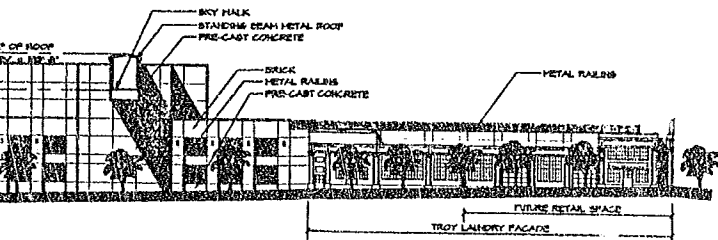
EAST ELEVATION



NORTH ELEVATION



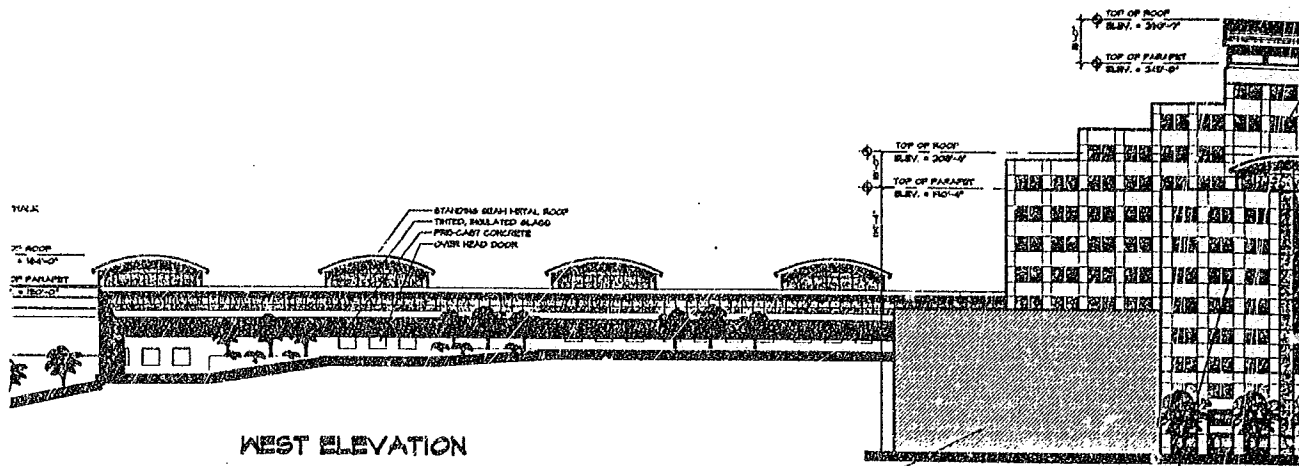
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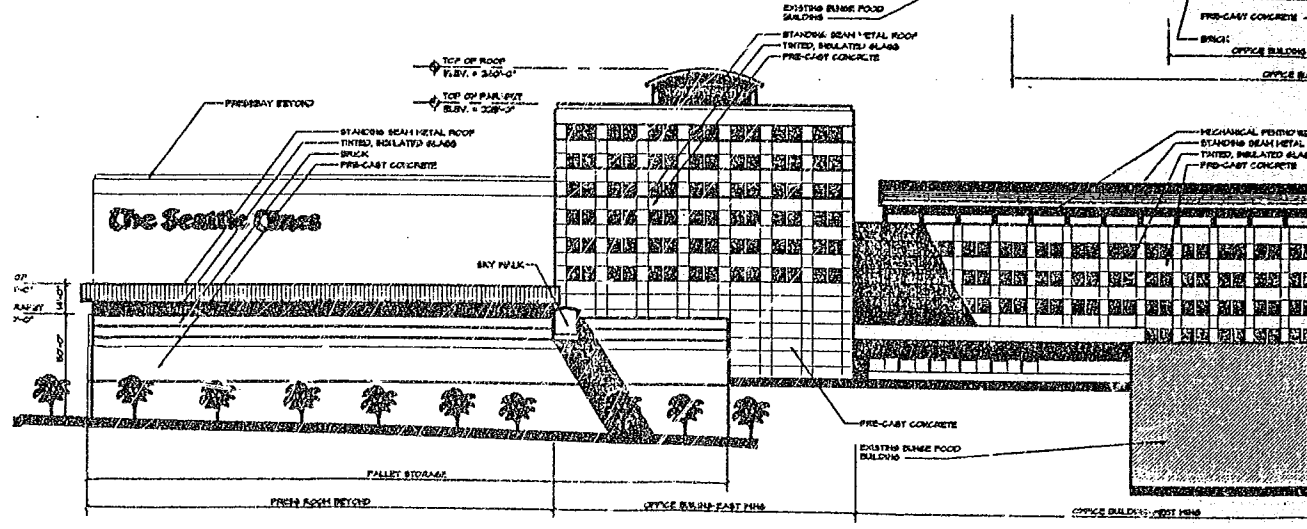
SOUTH ELEVATION

SEATTLE TIMES
HARRISON STREET PARKING STRUCTURE

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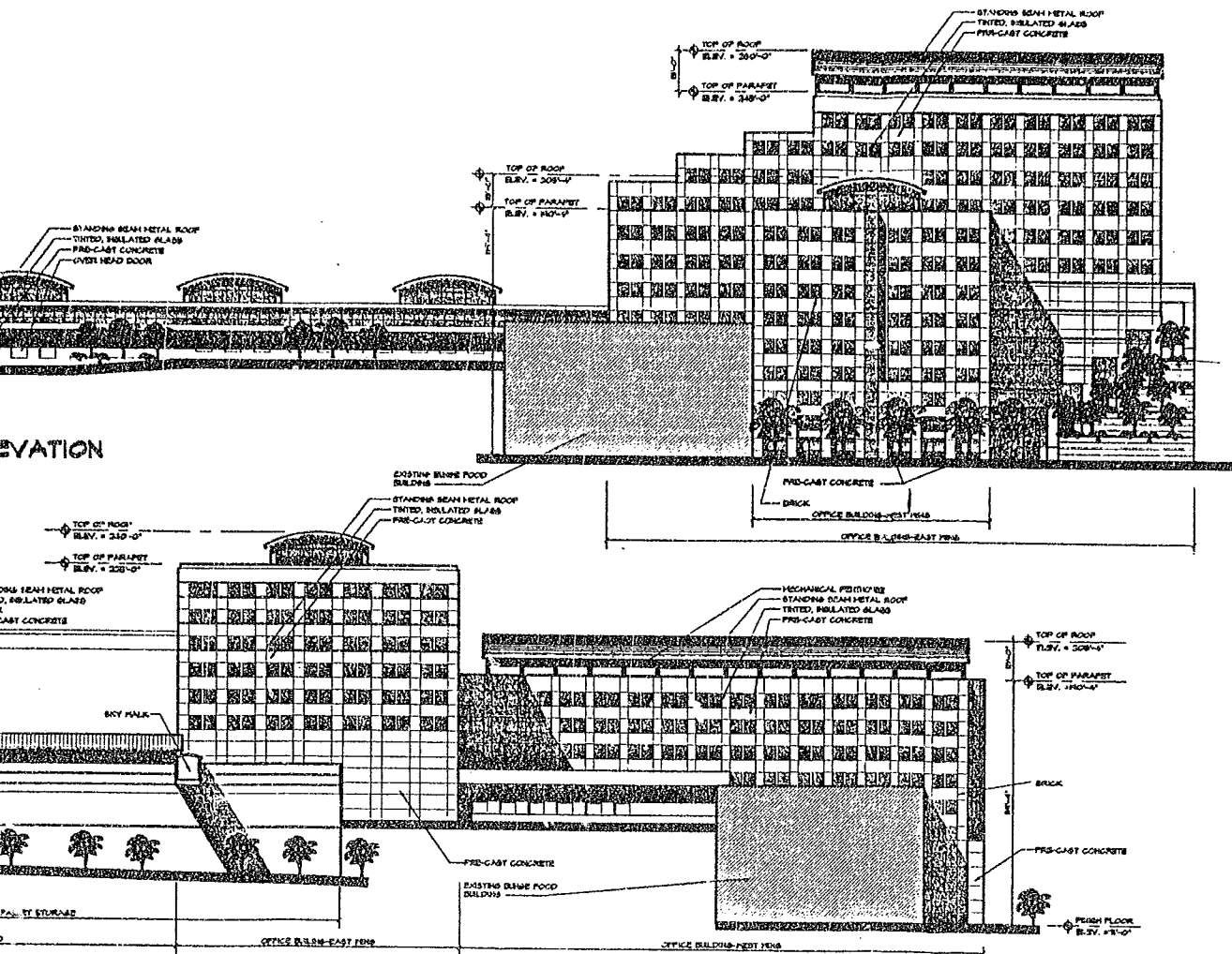


WEST ELEVATION



NORTH ELEVATION

EXHIBIT C, p. 6



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SEATTLE TIMES
ELEVATIONS

SEPTEMBER 2, 1984
REVISED SEPTEMBER 2, 1984
P. 2.7-01



ORDINANCE 118223

IN SEATTLE
JULY 1996

1 AN ORDINANCE relating to land use and zoning, approving a Development Agreement
2 for property owned by The Seattle Times Company located at 1100 Denny Way
3 and authorizing and requesting the Mayor to enter into the Development
4 Agreement on behalf of the City of Seattle. (Appl. 9402336)

5 WHEREAS, The Seattle Times Company ("The Times") is the owner of certain real property
6 located at 1100 Denny Way, in Seattle, King County, Washington; and

7 WHEREAS, The Times has requested and received City approvals for demolition of the
8 existing building on the property and construction of a new printing plant and office
9 complex and parking garage for the Times (collectively referred to as the "Times
10 Project"); and

11 WHEREAS, The Times has requested a Development Agreement with the City of Seattle, as
12 authorized under RCW 36.70B.170, et seq., fixing development standards and
13 approvals for the Times Project for a period of ten (10) years; and

14 WHEREAS, the Department of Construction and Land Use ("DCLU") has reviewed the
15 request for a Development Agreement and recommends that the City enter into a
16 Development Agreement with The Times, subject to the terms and conditions
17 contained in DCLU's proposed Development Agreement; and

18 WHEREAS, the City Council's Business, Economic and Community Development
19 Committee reviewed DCLU's recommendation and the proposed Development
20 Agreement and held a public hearing to take comments on DCLU's recommendation;
21 and

22 WHEREAS, the Business, Economic and Community Development Committee then voted to
23 recommend that the full Council approve the Development Agreement and authorize
and request the Mayor to execute the Development Agreement on behalf of the City of
Seattle; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Seattle Times Company ("The Times") is the owner of the
property legally described as:

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
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PARCEL A:

LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9 AND 10 IN BLOCK 99 OF GANGLOFF'S
ADDITION TO THE CITY OF SEATTLE, AS PER PLAT RECORDED
IN VOLUME 3 OF PLATS, PAGE 50, RECORDS OF KING COUNTY;

TOGETHER WITH THE EAST 1/2 OF VACATED ALLEY ADJOINING
SAID LOTS 1 AND 2;

AND TOGETHER WITH THAT PORTION OF THE VACATED ALLEY
LYING BETWEEN SAID LOTS 3, 4, 6, 7, 9 AND 10;

EXCEPT THAT PORTION OF SAID LOTS 8, 9 AND 10 CONDEMNED
IN KING COUNTY SUPERIOR COURT CAUSE NO. 162246 FOR
TERRY AVENUE NORTH;

SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE
OF WASHINGTON.

PARCEL B:

LOTS 1, 2, 4, 5, 7 AND 8 IN BLOCK 111 OF GANGLOFF'S ADDITION TO
THE CITY OF SEATTLE, AS PER PLAT RECORDED IN VOLUME 3 OF
PLATS, PAGE 50, RECORDS OF KING COUNTY;

EXCEPT THAT PORTION OF SAID LOTS 7 AND 8 CONVEYED TO THE
CITY OF SEATTLE FOR DENNY WAY BY DEED RECORDED UNDER
RECORDING NO. 8906150319;

SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF
WASHINGTON.

PARCEL C:

LOTS 1 THROUGH 4 AND 7 THROUGH 12 IN BLOCK 109; AND LOTS 7
THROUGH 12 IN BLOCK 110, ALL IN D.T. DENNY'S 5TH ADDITION TO
NORTH SEATTLE, AS PER PLAT RECORDED IN VOLUME 1 OF PLATS,
PAGE 202, RECORDS OF KING COUNTY;

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1 TOGETHER WITH LOTS 3 AND 6 IN BLOCK 111 OF MAP OF
2 GANGLOFF'S ADDITION TO THE CITY OF SEATTLE, AS PER PLAT
3 RECORDED IN VOLUME 3 OF PLATS, PAGE 50, RECORDS OF KING
4 COUNTY;

5 AND TOGETHER WITH THOSE PORTIONS OF THE DONATION CLAIM
6 OF D.T. DENNY AND LOUISA DENNY, HIS WIFE, AND GOVERNMENT
7 LOT 7 IN THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 25 NORTH,
8 RANGE 4 EAST W.M., LYING WESTERLY OF FAIRVIEW AVENUE
9 NORTH, AS CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE
10 NO. 204496, AS PROVIDED BY ORDINANCE NO. 51975, AND DESCRIBED
11 AS FOLLOWS:

12 1) THAT PORTION LYING EASTERLY OF THE ALLEY IN SAID BLOCK
13 109 AND SOUTHERLY OF LOT 4 IN SAID BLOCK 109 AND NORTHERLY
14 OF THOMAS STREET AS CONVEYED BY DEED RECORDED UNDER
15 RECORDING NO. 2103211;

16 2) THAT PORTION LYING SOUTHERLY OF THOMAS STREET AS
17 CONVEYED BY DEED RECORDED UNDER RECORDING NO. 2103211,
18 NORTHERLY OF JOHN STREET, AND EASTERLY OF THE ALLEY IN
19 SAID BLOCK 110;

20 3) THAT PORTION LYING SOUTHERLY OF JOHN STREET, NORTHERLY
21 OF DENNY WAY, AS CONVEYED BY DEED RECORDED UNDER
22 RECORDING NO. 8608280677 AND EASTERLY OF SAID BLOCK 111 OF
23 MAP OF GANGLOFF'S ADDITION TO THE CITY OF SEATTLE;

AND TOGETHER WITH VACATED ALLEYS IN BLOCKS 109 AND 110 OF
SAID PLAT OF D.T. DENNY'S 5TH ADDITION, VACATED UNDER
SEATTLE ORDINANCES 92708 AND 89750, RESPECTIVELY;

SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF
WASHINGTON.

PARCEL D:

LOTS 1, 2, 3 AND 4 IN BLOCK 100 OF D.T. DENNY'S 5TH ADDITION TO
NORTH SEATTLE, AS PER PLAT RECORDED IN VOLUME 1 OF PLATS,
PAGE 202, RECORDS OF KING COUNTY;

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1 TOGETHER WITH THAT PORTION OF THE VACATED ALLEY LYING
2 NORTHERLY OF THE WESTERLY EXTENSION OF THE SOUTHERLY
3 LINE OF LOT 4 AND THE EASTERLY EXTENSION OF THE SOUTHERLY
4 LINE OF LOT 9 IN SAID BLOCK 100;

5 SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF
6 WASHINGTON.

7 PARCEL E:

8 LOTS 5 AND 6 IN BLOCK 100 OF D.T. DENNY'S 5TH ADDITION TO
9 NORTH SEATTLE, AS PER PLAT RECORDED IN VOLUME 1 OF PLATS,
10 PAGE 202, RECORDS OF KING COUNTY;

11 SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF
12 WASHINGTON.

13 Section 2. The Development Agreement attached to this Ordinance as Attachment
14 A, which has been signed by The Times and by which The Times and the City of Seattle
15 establish and agree to development standards for the Times Project for a period of ten (10)
16 years is hereby approved. The Mayor is authorized and requested to sign the
17 Development Agreement on behalf of the City of Seattle.

18 Section 3. The City Clerk is hereby authorized and directed to file a copy of said
19 Development Agreement and of this Ordinance at the King County Records and Elections
20 Division, to file the original of the Development Agreement with this Ordinance at the
21 City Clerk's Office, to place copies of the Development Agreement and this Ordinance in
22 C.F. 300224 and C.B. 111151, and to deliver copies of the same to the Director of the
23 Department of Construction and Land Use and the King County Assessor's Office.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
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1 Section 4. This ordinance shall take effect and be in force thirty (30) days from and
2 after its approval by the Mayor, but if not approved and returned by the Mayor within ten
3 (10) days after presentation, it shall take effect as provided by Municipal Code Section
4 1.04.020.

5 PASSED by the City Council of the City of Seattle this 22nd day of
6 July, 1996, and signed by me in open session in authentication of its passage
7 this 22nd day of July, 1996.

8 Jan Drago
9 President of the City Council

10 Approved by me this 30 day of July, 1996.

11 Norman B. Fischer
12 Mayor

13 Filed by me this 30 day of July, 1996.

14 Margaret Carter
15 Clerk

16 (Seal)
17
18
19
20
21
22
23

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
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DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT ("Agreement") is entered into by the SEATTLE TIMES COMPANY, a Delaware corporation ("The Times"), and the CITY OF SEATTLE, a Washington municipal corporation ("City"), to establish development standards for The Times Project as provided herein.

RECITALS

WHEREAS, The Times owns the real property legally described in Exhibit A ("Property"), consisting of an approximately 4.5 block area bounded by Denny Way, Fairview Ave. N., Harrison St. and Terry Ave. N. in the South Lake Union Area of the City; and

WHEREAS, The Times has requested and received City approvals, including project level environmental and zoning review, Landmarks Preservation Board approval, street vacations, skybridge approval, and a zoning redesignation of part of the Property, for demolition of the existing building on the Property and construction of a new printing plant and office complex and parking garage for The Times (collectively referred to as the "Times Project"); and

WHEREAS, the City encourages the public benefits from major private development such as that proposed by the Seattle Times and desires to retain such business enterprises within the City but recognizes that such development requires more than the period contemplated by the City's regulations for single building development to fully accomplish; and

WHEREAS, the City wishes to use the legal authority under Seattle Municipal Code and state law, including the Development Agreement statute adopted in 1995 as part of the Regulatory Reform Act, RCW 36.70B.179, et seq.; and

WHEREAS, the parties desire to establish the development standards for The Times Project for a set period of time through this Development Agreement; and

WHEREAS, the City Council voted on July 22, 1996 to approve this Agreement;

NOW, THEREFORE, for good and valuable consideration, the adequacy of which is hereby acknowledged, the parties agree as follows:

1. Establishment of Development Standards. The following permits, approvals and actions taken by the City and all conditions or other requirements attached to them, as well as existing zoning designations and development standards attached to those zones, existing on the date of the Agreement, shall constitute the Development Standards (collectively "Development Standards") governing the Times Project.

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Seattle Times Development Agreement

(a) Contract Rezone, approved in Ordinance No. 118050 (C.F. 300224) establishing a C-2 125' zone, with conditions, for an approximately two block area of the subject site along Denny Way and the accompanying Property Use and Development Agreement (Recording No. 9604050875);

(b) Existing IC-85' zoning for the portion of The Times Project between John St. and Thomas St. and IC-65' for the portion between Thomas St. and Harrison St.;

(c) DCLU Master Use Permit approvals, with associated conditions, issued under project numbers 9402336, 9404082, and 9404083 (any revisions to which shall conform to the development standards in (a) or (b), whichever is applicable, unless the City and The Times by mutual agreement apply the development standards associated with the zoning otherwise effective at the time of the revision approval);

(d) Street vacation, with associated conditions, of one block portions of both John St. and Boren St. as approved in Res. 29225 found in C.F. 300309 on December 18, 1995;

(e) Skybridge approval, with associated conditions, over Thomas St. between a parking garage and the remainder of The Times' site, approved in Res. 29250, found in C.F. 300227, on December 18, 1995; and

(f) Seattle Landmark Board Controls and Incentives established in Ordinances 118046 and 118047, and Certificates of Approval No. LPB 184/95, LPB 214/95 issued with regard the Troy Laundry Building and the existing Seattle Times Building.

2. **Development Period.** The Development Standards designated in subparagraphs (a), (b) and (c) of paragraph 1. above shall remain unchanged and shall apply in full force and effect for development of the project approved under the permits and approval identified above for ten (10) years following the effective date of this Agreement ("Development Period"). During the Development Period, The Times shall have the right to satisfy and complete all conditions of approval and obtain issuance of permits (subparagraphs (c) and (e)) and obtain a street vacation ordinance (subparagraph (d)). Any revision of the Development Standards designated in subparagraphs (d), (e) and (f) shall be effective according to the applicable ordinances and code provisions.

Notwithstanding the foregoing, the City reserves the right during the Development Period to modify the Development Standards to the extent required by a serious threat to public health or safety.

3. **Successors In Interest.** This Agreement shall be recorded in the records of King County. The agreements and covenants herein shall attach to and run with the Property and be binding upon and inure to the benefit of the parties and their heirs, successors and assigns only for the construction of buildings for, and use of them by, a major metropolitan daily newspaper printing and distribution facility and accessory office and parking facilities; provided this Agreement shall expire and be of no force and effect upon the expiration of the Development Period.

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Seattle Times Development Agreement

4. **Amendment.** This Agreement may be amended by written agreement of The Times and approval by the legislative authority of the City by ordinance.

5. **No Precedent.** The conditions contained in this Agreement are based upon the unique circumstances applicable to The Times Project and this Agreement is not intended to establish a precedent for other properties in the City.

6. **Enforcement.** Either party may institute and prosecute a proceeding for specific performance of this Agreement or for any other remedy provided by law.

7. **Governing Law.** This Agreement shall be governed by the laws of the State of Washington.

8. **Effective Date and Term.** This Agreement shall take effect on the date on which the ordinance approving this Agreement takes effect. The term of this Agreement shall continue for a period of ten (10) years following its effective date.

DATED this 17th day of July, 1996.

SEATTLE TIMES COMPANY, a Delaware corporation

BY: H. Mason Sizemore

H. Mason Sizemore
Its President

CITY OF SEATTLE, a municipal corporation

BY: Norman B. Rice

Norman B. Rice
Its Mayor

STATE OF WASHINGTON)

COUNTY OF KING)

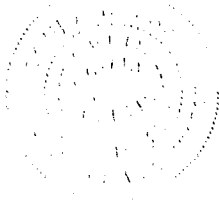
On this 17th day of July, 1996, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn,

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Seattle Times Development Agreement

personally appeared H. Mason Szymanski to me known to be the President, that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument.

WITNESS my hand and official seal hereto affixed the day and year first above written.



Donna L. Erb
NOTARY PUBLIC in and for the State
of Washington, residing at Seattle
My commission expires 2-18-97.

STATE OF WASHINGTON)
)
COUNTY OF KING)

On this 30th day of July, 1996, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Norman B. Rice, to me known to be the Mayor of The City of Seattle, the municipal corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute the said instrument.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.

Bill Connors
NOTARY PUBLIC in and for the State
of Washington, residing at Seattle, WA
My commission expires 5/24/97.

kemp:devagre
rev/gbl



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Legal Description for Property Subject to Seattle Times Development Agreement
(Appl. 9402336)

PARCEL A:

LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9 AND 10 IN BLOCK 99 OF GANGLOFF'S ADDITION TO THE CITY OF SEATTLE, AS PER PLAT RECORDED IN VOLUME 3 OF PLATS, PAGE 50, RECORDS OF KING COUNTY;

TOGETHER WITH THE EAST 1/2 OF VACATED ALLEY ADJOINING SAID LOTS 1 AND 2;

AND TOGETHER WITH THAT PORTION OF THE VACATED ALLEY LYING BETWEEN SAID LOTS 3, 4, 6, 7, 9 AND 10;

EXCEPT THAT PORTION OF SAID LOTS 8, 9 AND 10 CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NO. 162246 FOR TERRY AVENUE NORTH;

SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON.

PARCEL B:

LOTS 1, 2, 4, 5, 7 AND 8 IN BLOCK 111 OF GANGLOFF'S ADDITION TO THE CITY OF SEATTLE, AS PER PLAT RECORDED IN VOLUME 3 OF PLATS, PAGE 50, RECORDS OF KING COUNTY;

EXCEPT THAT PORTION OF SAID LOTS 7 AND 8 CONVEYED TO THE CITY OF SEATTLE FOR DENNY WAY BY DEED RECORDED UNDER RECORDING NO. 8906150319;

SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON.

PARCEL C:

LOTS 1 THROUGH 4 AND 7 THROUGH 12 IN BLOCK 109; AND LOTS 7 THROUGH 12 IN BLOCK 110, ALL IN D.T. DENNY'S 5TH ADDITION TO NORTH SEATTLE, AS PER PLAT RECORDED IN VOLUME 1 OF PLATS, PAGE 10, RECORDS OF KING COUNTY;

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TOGETHER WITH LOTS 3 AND 6 IN BLOCK 111 OF MAP OF GANGLOFF'S ADDITION TO THE CITY OF SEATTLE, AS PER PLAT RECORDED IN VOLUME 3 OF PLATS, PAGE 50, RECORDS OF KING COUNTY;

AND TOGETHER WITH THOSE PORTIONS OF THE DONATION CLAIM OF D.T. DENNY AND LOUISA DENNY, HIS WIFE, AND GOVERNMENT LOT 7 IN THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 25 NORTH, RANGE 4 EAST W.M., LYING WESTERLY OF FAIRVIEW AVENUE NORTH, AS CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NO. 204496, AS PROVIDED BY ORDINANCE NO. 51975, AND DESCRIBED AS FOLLOWS:

1) THAT PORTION LYING EASTERLY OF THE ALLEY IN SAID BLOCK 109 AND SOUTHERLY OF LOT 4 IN SAID BLOCK 109 AND NORTHERLY OF THOMAS STREET AS CONVEYED BY DEED RECORDED UNDER RECORDING NO. 2103211;

2) THAT PORTION LYING SOUTHERLY OF THOMAS STREET AS CONVEYED BY DEED RECORDED UNDER RECORDING NO. 2103211, NORTHERLY OF JOHN STREET, AND EASTERLY OF THE ALLEY IN SAID BLOCK 110;

3) THAT PORTION LYING SOUTHERLY OF JOHN STREET, NORTHERLY OF DENNY WAY, AS CONVEYED BY DEED RECORDED UNDER RECORDING NO. 8608280677 AND EASTERLY OF SAID BLOCK 111 OF MAP OF GANGLOFF'S ADDITION TO THE CITY OF SEATTLE;

AND TOGETHER WITH VACATED ALLEYS IN BLOCKS 109 AND 110 OF SAID PLAT OF D.T. DENNY'S 5TH ADDITION, VACATED UNDER SEATTLE ORDINANCES 92703 AND 89750, RESPECTIVELY;

SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON.

PARCEL D:

LOTS 1, 2, 3 AND 4 IN BLOCK 100 OF D.T. DENNY'S 5TH ADDITION TO NORTH SEATTLE, AS PER PLAT RECORDED IN VOLUME 1 OF PLATS, PAGE 202, RECORDS OF KING COUNTY;

TOGETHER WITH THAT PORTION OF THE VACATED ALLEY LYING NORTHERLY OF THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF LOT 4 AND THE EASTERLY EXTENSION OF THE SOUTHERLY LINE OF LOT 9 IN SAID BLOCK 100;

SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON.

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PARCEL E:

LOTS 5 AND 6 IN BLOCK 100 OF D.T. DENNY'S 5TH ADDITION TO NORTH
SEATTLE, AS PER PLAT RECORDED IN VOLUME 1 OF PLATS, PAGE 202,
RECORDS OF KING COUNTY;

SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON.

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**SEATTLE CITY COUNCIL MEETING AGENDA****MEETING DATE:** Monday, March 11, 1996
2:00 p.m.

- A. ROLL CALL Present:
- B. APPROVAL OF JOURNAL
- C. PRESENTATIONS
- D. REFERRALS Introduction and referral to Council committees of Council Bills (CB), Resolutions (Res.) and Clerk Files (CF) for committee recommendation.
- E. INTRODUCTION AND VOTE ON PAYROLL BILLS (These are the only bills which the City Charter allows to be introduced and passed on the same day.)
- F. COMMITTEE REPORTS/VOTE ON LEGISLATION

NUMBER	DESCRIPTION	COMMITTEE RECOMMENDATION
--------	-------------	--------------------------

BUSINESS, ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE:

- | | | | | |
|----|------|--------|---|-------------------------|
| 1. | C.B. | 111145 | Relating to historic preservation, imposing controls upon the Jensen Block, a Landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code. | PASS |
| 2. | C.B. | 111146 | Relating to historic preservation, imposing controls upon the Seattle Times Building, a Landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code. | PASS |
| 3. | C.B. | 111147 | Relating to historic preservation, imposing controls upon the Troy Laundry Building, a Landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code. | PASS |
| 4. | C.B. | 111148 | Relating to historic preservation, imposing controls upon the Wintonia Hotel, a Landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code. | PASS |
| 5. | C.F. | 300224 | Petition of Seattle Times to Rezone existing property at the location of 1100 Denny Way, from NC3-125' to C2-125'. | GRANT AS
CONDITIONED |

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March 11, 1996

		NUMBER	DESCRIPTION	COMMITTEE RECOMMENDATION
6.	C.B.	111151	Relating to land use and zoning, amending Plat 35E, page 101 of the Official Land Use Map to rezone the property located at 1100 Denny Way from Neighborhood Commercial 3 with a 125-foot height limit (NC3/125'), to Commercial 2 with a 125 foot height limit (C2/125') and accepting a Property Use and Development Agreement in connection therewith. (Petition of The Seattle Times Company, C.F. 300224, Appl. 99402336)	PASS
7.	C.B.	111153	Relating to the regulation and licensing of steam engineers and boiler firemen, repealing Section 6.230.030 of the Seattle Municipal Code and enacting a new Section 6.230.030, and amending Sections 6.230.60, 6.230.070, 6.230.110 and 6.230.160, all to correct errors in Ordinance 117864.	PASS
8.	C.F.	301120	Appointment and Oath of Office of Ronald Taylor as member, Burke-Gilman Place PDA; for a term of confirmation to 9/96.	CONFIRM
9.	C.F.	301121	Appointment and Oath of Office of Susan Fleischman as member, Burke-Gilman Place PDA; for a term of confirmation to 9/97.	CONFIRM
<u>UTILITIES AND ENVIRONMENTAL MANAGEMENT COMMITTEE:</u>				
10.	C.B.	111141	Relating to the Water and City Light Departments; authorizing the execution of permit agreements with Puget Sound Power & Light Company for access across and installation of a storm drain in Water Department right-of-way, in connection with the operation of the Stillwater Substation.	PASS
11.	C.B.	111142	Authorizing the Seattle Water Department to amend an earlier agreement with the Washington Department of Health to incorporate the City's recommendation to install ozone disinfection facilities on the Cedar River source and establish a new work plan for implementing these new facilities.	PASS
<u>FINANCE AND BUDGET COMMITTEE:</u>				
12.	C.B.	111136	Authorizing the Finance Department to close certain capital project funds and to transfer all remaining unexpended and unencumbered balances in said funds.	PASS

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March 11, 1996

	NUMBER	DESCRIPTION	COMMITTEE RECOMMENDATION
<u>TRANSPORTATION COMMITTEE:</u>			
13.	C.B. 111118	Relating to the existing permit granted to Union Oil Company of California by Ordinance 98301 to maintain and operate certain steel pipelines under and across Alaskan Way, south of Bay Street by amending Section 8 thereof to revise the method of calculating the annual fee, for establishing the annual fee for the remainder of the permit.	PASS
14.	C.B. 111119	Relating to the existing permit granted to the Municipality of Metropolitan Seattle by Ordinance 98300 and Resolution 26917 to construct, maintain and operate petroleum pipelines under and across North Northlake Place and North Northlake Way, west of Densmore Avenue North by changing Permittee's name therein to King County Department of Metropolitan Services; and by amending Section 8 thereof to revise the method of calculating the annual fee, for establishing the annual fee for the remainder of the permit.	PASS
15.	C.B. 111123	Granting Robert M. Barrie permission to maintain and operate a portion of a newly constructed reinforced concrete building in the street right-of-way located at 2717 Eastlake Avenue East, for a ten (10) year term, renewable for two successive ten-year terms, specifying the conditions under which this permit is granted, and providing for acceptance of the permit and conditions.	PASS
16.	RES. 29290	Relating to the permit granted to the Olympic Pipe Line Company by Ordinance 116331 to construct, maintain, and operate a petroleum pipeline system in, under, along and across certain streets, avenues, alleys and public places in the City of Seattle, by establishing the annual fee for the next five (5) years of the permit.	ADOPT
17.	RES. 29293	Renewing, for a period of ten (10) years, the permission granted to the Washington State Convention and Trade Center by Ordinance 112613 to construct and maintain an elevated concrete sidewalk on Pike Street, an elevated concrete slab on each side of the Eighth Avenue overpass, and elevated concrete planter boxes above Hubbell Place at Ninth Avenue.	ADOPT
18.	RES. 29305	Authorizing the Director of Engineering to submit applications to the Washington State Department of Transportation for grants from the Intermodal Surface Transportation Efficiency Act Highway Bridge Replacement and Rehabilitation Program.	ADOPT
19.	C.F. 299812	Petition for a Street Vacation at 35th Avenue Northwest.	DENY
20.	C.F. 299814	Petition for a Street Vacation at South Seattle Street and 9th Avenue South.	GRANT

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March 11, 1996

	NUMBER	DESCRIPTION	COMMITTEE RECOMMENDATION
<u>COMMITTEE OF THE WHOLE:</u>			
21.	C.B. 111139	Relating to the Department of Construction and Land Use authorizing the Mayor or his designee to sign a Memorandum of Understanding with the Seattle Housing Authority regarding permit fees for redevelopment of Holly Park.	PASS AS AMENDED
22.	RES. 29303	Affirming the City of Seattle's support for the redevelopment of the Holly Park Family Garden Community of the Seattle Housing Authority, and providing guidance on the City's interests and concerns with regard to the scope and objectives of the Redevelopment as a significant community-building opportunity in Southeast Seattle.	ADOPT AS AMENDED

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TAPE _____

TIME START _____

TIME FINISH _____

BUSINESS, ECONOMIC & COMMUNITY DEVELOPMENT COMMITTEE

Tuesday, March 5 1996

9:30 - 11:30 a.m.

Member: Jan Drago, Chair
Margaret Pageler, Vice Chair
Tina Podlodowski, Member
Cheryl Chow, Alternate

Staff: Barbara Clemons, Council Asst.
Dan McGrady, Council Asst.
Telephone: 684-8801
Night Hotline: 684-8888
jan.drago@ci.seattle.wa.us
<http://pan.ci.seattle.wa.us/seattle/leg/drago/drago.htm>

The Council's Chambers and offices are physically accessible; print and communications access provided on request. Call 684-8888 (TDD: 233-0025) for further information.

		RECOMMENDED ACTION
1.	C.F. 301121 Appointment and Oath of Office of Susan Fleischman as member, Burke-Gilman Place PDA; for a term of confirmation to 9/97.	DISCUSSION & VOTE
2.	C.F. 301120 Appointment and Oath of Office of Ronald Taylor as member, Burke-Gilman Place PDA; for a term of confirmation to 9/96.	DISCUSSION & VOTE
3.	C.B. Relating to historic preservation, imposing controls upon the Jensen Block, a Landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.	DISCUSSION & VOTE
4.	C.B. Relating to historic preservation, imposing controls upon the Seattle Times Building, a Landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.	DISCUSSION & VOTE
5.	C.B. Relating to historic preservation, imposing controls upon the Troy Laundry Building, a Landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.	DISCUSSION & VOTE

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Business, Economic & Community Development Committee

-2-

March 5, 1996

**RECOMMENDED
ACTION**

- | | | | |
|--|-------------|--|--|
| 6. | C.B. | Relating to historic preservation, imposing controls upon the Wintonia Hotel, a Landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code. | DISCUSSION &
VOTE |
| 7. | | DCLU Quarterly Report. | BRIEFING |
| 8. | | DCLU Program and Funding Study. | BRIEFING |
| 9. | C.B. | Relating to the regulation and licensing of steam engineers and boiler firemen, repealing Section 6.230.030 of the Seattle Municipal Code and enacting a new Section 6.230.030, and amending Sections 6.230.060, 6.230.070, 6.230.110 and 6.230.160, all to correct errors in Ordinance 117864. | DISCUSSION &
VOTE |
| 10. | C.F. 300224 | Petition of Seattle Times to Rezone existing Property buildings at the location of 1100 Denny Way from NC3-125' to C2-125'. | POSSIBLE
FURTHER
DISCUSSION &
VOTE |
| 11. | C.B. | Relating to land use and zoning, amending Plat 35E, page 101 of the Official Land Use Map to rezone the property located at 1100 Denny Way from Neighborhood Commercial 3 with a 125-foot height limit (NC3/125'), to Commercial 2 with a 125-foot height limit (C2/125') and accepting a Property Use and Development Agreement in connection therewith. (Petition of The Seattle Times Company, C.F. 300224, Appl. 99402336) | POSSIBLE
DISCUSSION &
VOTE |
|
<u>Starts at 11:00 a.m.</u> | | | |
| 12. | C.F. 301117 | Council Concept Approval to establish use for future construction of a 30,000 sq. ft. Office building addition and grading of approximately 4,000 cubic yards, at a City Light facility located at 9710 Stone Avenue South. | PUBLIC HEARING
POSSIBLE
DISCUSSION &
VOTE |
| 13. | C.F. 301101 | Council Concept Approval for future construction of a new 18,000 square foot Community Center at the location of 330 19th Avenue East (#9500146). | PUBLIC HEARING
POSSIBLE
DISCUSSION &
VOTE |

JD/t

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DAVIS WRIGHT TREMAINE

LAW OFFICES

2600 CENTURY SQUARE • 1501 FOURTH AVENUE • SEATTLE, WASHINGTON 98101-1662
(206) 622-3150

THOMAS A. GOELTZ
(206) 628-7662

March 5, 1996

VIA MESSENGER

Ms. Geri Hendrickson
Seattle City Council
Central Staff
1100 Municipal Building
600 - 4th Ave.
Seattle, WA 98104

Re: Signed Rezone PUDA

Dear Ms. Hendrickson:

I enclose the original Property Use and Development Agreement for the two block rezone which has been signed by Mason Sizemore, President. I also enclose a Certificate of Authority. Please confirm that the full Council will take this up at the Council meeting on March 11. I would appreciate a copy of the Agenda once it is available.

Thank you for your help with the rezone PUDA. I look forward to working with you and Margaret Klockars to complete the development agreement notice and consideration by the Council.

Very truly yours,

DAVIS WRIGHT TREMAINE


Thomas A. Goeltz

Enclosures

cc: Margaret Klockars
H. Mason Sizemore
Fred Dal Broi
Pat McCabe
Steven Wood

40701\665\00481.LTR
Seattle

Fax: (206) 628-7600

ANCHORAGE, ALASKA • BELLEVUE, WASHINGTON • BOISE, IDAHO • HONOLULU, HAWAII • LOS ANGELES, CALIFORNIA
PORTLAND, OREGON • RICHLAND, WASHINGTON • SAN FRANCISCO, CALIFORNIA • WASHINGTON, D.C.

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CERTIFICATE OF AUTHORITY

I, H. MASON SIZEMORE, hereby declare as follows:

1. I am President of the Seattle Times Company, a Delaware corporation ("Times").

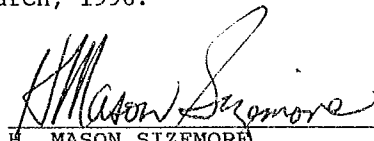
2. As President, I have the authority pursuant to the Times' Bylaws and Resolutions to execute agreements on behalf of the Times.

3. The Times has applied for a rezone of approximately 2 blocks in the South Lake Union area of Seattle (C.F. 300224; Application No. 9402336), which is part of a larger package of requested approvals from the City of Seattle for a printing plant and office facility.

4. I have executed the attached Property Use and Development Agreement on behalf of the Times in connection with the City's rezone of property.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing statements are true and correct.

Dated this 5th day of March, 1996.


H. MASON SIZEMORE,
President of Seattle Times Company

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PROPERTY USE AND DEVELOPMENT AGREEMENT

THIS INSTRUMENT is executed this date in favor of the City of Seattle, a Municipal Corporation (herein called "City"), by Seattle Times Company, a Delaware corporation (herein called "Owner"), owner of the within described property.

W I T N E S S E T H:

WHEREAS, Owner owns a fee simple interest in the following described property (herein called the "Property"):

PARCEL A: LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9 AND 10 IN BLOCK 99 OF GANGLOFF'S ADDITION TO THE CITY OF SEATTLE, AS PER PLAT RECORDED IN VOLUME 3 OF PLATS, PAGE 50, RECORDS OF KING COUNTY; TOGETHER WITH THE EAST 1/2 OF VACATED ALLEY ADJOINING SAID LOTS 1 AND 2; AND TOGETHER WITH THAT PORTION OF THE VACATED ALLEY LYING BETWEEN SAID LOTS 3, 4, 6, 7, 9 AND 10; EXCEPT THAT PORTION OF SAID LOTS 8, 9 AND 10 CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NO. 162246 FOR TERRY AVENUE NORTH; SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON.

PARCEL B: LOTS 1, 2, 4, 5, 7 AND 8 IN BLOCK 111 OF GANGLOFF'S ADDITION TO THE CITY OF SEATTLE, AS PER PLAT RECORDED IN VOLUME 3 OF PLATS, PAGE 50, RECORDS OF KING COUNTY; EXCEPT THAT PORTION OF SAID LOTS 7 AND 8 CONVEYED TO THE CITY OF SEATTLE FOR DENNY WAY BY DEED RECORDED UNDER RECORDING NO. 8906150319; SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON.

PARCEL C: LOTS 3 AND 6 IN BLOCK 111 OF MAP OF GANGLOFF'S ADDITION TO THE CITY OF SEATTLE, AS PER PLAT RECORDED IN VOLUME 3 OF PLATS, PAGE 50, RECORDS OF KING COUNTY, WASHINGTON; TOGETHER WITH THAT PORTION OF THE DONATION CLAIM OF D.T. DENNY AND LOUISA DENNY, HIS WIFE, AND GOVERNMENT LOT 7 IN THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 25 NORTH, RANGE 4 EAST W.M., LYING WESTERLY OF FAIRVIEW AVENUE NORTH, AS CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NO. 204496, AS PROVIDED BY ORDINANCE NO. 51975, DESCRIBED

AS FOLLOWS: THAT PORTION LYING SOUTHERLY OF JOHN STREET,
NORTHERLY OF DENNY WAY, AS CONVEYED BY DEED RECORDED
UNDER RECORDING NO. 8608280677, AND EASTERLY OF SAID BLOCK 111
OF MAP OF GANGLOFF'S ADDITION TO THE CITY OF SEATTLE; SITUATE
IN THE CITY OF SEATTLE, KING COUNTY, WASHINGTON

WHEREAS, Owner filed a petition (C.F. 300224, Appl. 9402336) with the City
seeking a contract rezone to rezone the Property from Neighborhood Commercial 3 with a
125-foot height limit (NC3/125') to Commercial 2 with a 125-foot height limit (C2/125')
pursuant to the provisions of the Land Use Code and subject to limitations on the
development of the Property; and

WHEREAS, the Property rezone is part of a larger set of City approvals requested by
Owner to undertake an integrated and major upgrade and expansion of its printing plant and
office facility and to build an accessory parking garage (collective "Times Project"). These
include certain street vacations (Res. 29225; C.F. 300309), a skybridge approval (Res.
29250; C.F. 300227), certificates of approval for landmark structures, and Master Use
Permits (i.e., MUP Nos. 9402336, 9404082, and 9404083).

WHEREAS, the City encourages the public benefits from major private development
and continued employment in the City, and recognizes development requires a reasonable
period of time. The City has determined that a ten year period is appropriate for the PUDA
given the size and complexity of the Times Project.

WHEREAS, on September 28, 1995, the Director of the Department of Construction
and Land Use ("DCLU") recommended that the contract rezone to C2/125' as proposed by
Owner, with no further conditions; and

WHEREAS, on November 27, 1995, the Hearing Examiner recommended that the proposed contract rezone be granted as proposed by Owner and as modified by the Hearing Examiner; and

WHEREAS, on January 23, 1996, the Business, Economic and Community Development Committee of the City Council voted to recommend to the full City Council that the proposed contract rezone be granted, subject to the conditions recommended by the Hearing Examiner and further modified by the Council by directing a ten year period for the PUDA, except the Hearing Examiner's third recommended PUDA condition regarding street vacation shall be considered as part of the street vacation ordinance; and

WHEREAS, Owner now desires that the rezone petition be granted as recommended by the Council's Business, Economic and Community Development Committee.

NOW, THEREFORE, Owner hereby covenants, bargains and agrees on behalf of itself and its successors and assigns that it will comply with the following conditions in consideration of the rezone of the Property from Neighborhood Commercial 3 with a 125-foot height limit (NC3/125') to Commercial 2 with a 125-foot height limit (C2/125'):

Section 1. Development of the Property shall be accomplished in accordance with the following conditions on permitted uses. Only those uses and categories of uses permitted in the NC3 zone shall be permitted on the Property; provided that the 10,000 square foot size limitation on printing plants shall not apply. Establishment of such uses of the Property shall be governed by the applicable provisions of the Seattle Municipal Code, including SMC Chapter 23.47 (development standards for commercial zones), as further limited by this

Property Use and Development Agreement (hereinafter "Agreement").

Section 2. This Agreement shall be recorded in the records of King County by the City Clerk. The covenants hereof shall be deemed to attach to and run with the Property and shall be binding upon the Owner, its heirs, successors and assigns, and shall apply to after-acquired title of the Owner of the Property; provided that the covenants herein and the rezone shall expire and be of no force and effect ten years from the effective date of the approval of this rezone if Owner fails to satisfy the requirement of Section 23.76.060.B.1.a of the Seattle Municipal Code.

Section 3. This Agreement may be amended or modified by agreement between Owner and the City; provided, such amendment agreement shall be approved by the legislative authority of the City by ordinance. Nothing in this Agreement shall prevent the City Council from making such further amendments to the Zoning Ordinance or Land Use Code as it may deem necessary in the public interest. Nothing in this Agreement is intended to authorize any use or dimension not otherwise permitted in a Commercial 2 zone with a 125-foot height limitation (C2/125'). The conditions contained in this Agreement are based on the unique circumstances applicable to this Property and this Agreement is not intended to establish precedent for other rezones in the surrounding area.

Section 4. This Agreement is made for the benefit of the City and for the benefit of the owners of property within 300 feet of the Property and either the City or any such property owners may institute and prosecute any proceeding at law or in equity to enforce this Agreement.

Section 5. Owner acknowledges that compliance with the conditions of this Agreement is a condition of the subject rezone and that if Owner avails itself of the benefits of this rezone but then fails to comply with the conditions of this Agreement with the City, in addition to pursuing any other remedy, the City may revoke the rezone by ordinance and require the use of the Property to conform to the requirements of the Neighborhood Commercial 3 (NC3/125') zone.

SIGNED this ____ day of _____, 1996.

SEATTLE TIMES COMPANY

By _____
H. Mason Sizemore
Its President

STATE OF WASHINGTON)

COUNTY OF KING)

I certify that I know or have satisfactory evidence that H. Mason Sizemore is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the president of the Seattle Times Company to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: _____

Notary's Signature:

Typed/Printed Name of Notary:

NOTARY PUBLIC in and for the
State of Washington,
residing at _____
My appointment expires: _____

STATE OF WASHINGTON - KING COUNTY

66176
City of Seattle, City Clerk

--SS.

No. IN FULL

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORD 118050

was published on

03/29/96

The amount of the fee charged for the foregoing publication is the sum of \$, which amount has been paid in full.

Subscribed and sworn to before me on

03/30/96

Notary Public for the State of Washington,
residing in Seattle

Affidavit of Publication

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